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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,172	04/21/2000	Yasuhiko Terashita	203724US6	6517

22850 7590 10/23/2007
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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10/23/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/557,172

Applicant(s)

TERASHITA ET AL.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,10 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-25 is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 June 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 5, 6, 9, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (6,411,771), further in view of Tsukidate (6,714,722), and further in view of Takahashi (9,950,164)

Regarding claims 1 and 5-8, Aotake discloses an information processing apparatus, method, and program comprising:

- first recording and reproducing means, method, and program for recording one moving picture in at least one recording increment (Col 8, lines 23-26 “The personal computer is also provided with application programs as a standard for carrying out editing, recording, reproduction as well as MPEG decoding of pictures and other picture processing” and lines 31-33 “a television broadcast program received by the TV tuner 213A can also be recorded with ease”);
- second recording and reproducing means, method, and program for recording a still picture corresponding to a predetermined one of the recording increments of the moving picture (Col 18, lines 8-10 “the slip recorder, the clip editor and the clip viewer relate to recording, reproduction and editing of a picture in particular”); and
- third recording and reproducing means, method, and program for recording information about the moving picture being recorded by the first recording means (Col 22, lines 41-44 “the scene change detecting circuit 131 also generates index data to be described later. The index data is supplied to the microprocessor 201 to be stored in a generated index file also to be described later”) and;
- a user interface configured to receive a user instruction to modify said moving picture recorded in at least one recording increment recorded in said first

recording means (Fig. 21 displays an editing screen for the purpose of modifying recorded moving pictures).

- Aotake is silent on the means used by the apparatus for selecting a scheduled moving picture broadcast for recording at a later date.

Tsukidate teaches a video recording and reproducing means, method and program comprising a first user interface configured to receive instructions to schedule recording of a moving picture corresponding to a received television broadcast signal at a future date (Col 1, lines 54-28 "including, in the displayed program guide, program information on programs relating to each of the recorded programs thereby to permit the user to program the recorder to record a selected one of the related program").

As taught by Tsukidate, a user interface to receive instructions to schedule recording of a moving picture corresponding to a received television broadcast signal at a future date is well known, widely used, and commercially available, providing the user with a means of automatically recording a selected program at the time it is broadcast without the user being present to initiate the recording at that time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aotake in order to provide a user interface to select a program for later recording.

- Aotake discloses a first user interface configured to display a quantity of data recorded in at least the first recording means, and an indication of

approximate available recording times (Col 23, lines 63-67 "On a recording time display field 305, time information such as a time lapse since the start of a recording operation, a remaining time to the end of the recording operation or a remaining period of time till the end of a tape to be described later is displayed"), but does not explicitly disclose that the display can show available recording times for each of a plurality of recording modes.

Takahashi teaches an information processing apparatus with a user interface similar to Aotake that displays not only the quantity of data recorded (Col 6, lines 62-64 "the time spent in recording corresponding to the used memory capacity may be displayed"), but also the remainder of the recordable time based on at least three different recording modes (Col 5, lines 50-54 "the display unit 25 is arranged to display the remainder of the recordable time in the following three modes in accordance with display mode select information input by the operator and calculations performed by the system controller" and Col 5 lines 55-56 "Display mode 0: the remainder of the recordable time based on the average encoding bit rate (a first calculation)" and Col 5 lines 57-59 "Display mode 1: the remainder of the recordable time based on the maximum encoding bit rate that the variable-length encoding means can take (a second calculation)" and Col 5 lines 60-62 "Display mode 2: the remainder of the recordable time based on the minimum encoding bit rate that the variable-length encoding means can take (a third calculation)").

As taught by Takahashi, user interfaces with displays that can inform a user of remaining capacity in a plurality of recording modes are well known, allowing the user to determine the most appropriate recording mode for the amount of data requiring storage and the amount of storage available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aotake in order to provide a display showing available recording time based on a plurality of recording methods.

Regarding claim 2, Aotake discloses an information processing apparatus wherein the second recording means records a still picture corresponding to a scene switchover of the moving picture (Col 22, lines 41-44 "the scene change detecting circuit 131 also generates index data to be described later. The index data is supplied to the microprocessor 201 to be stored in a generated index file also to be described later" and Col 20, lines 17-20 "When the compression technique selecting circuit 132 is informed of a scene change, the I picture is selected as a picture type of a picture following the scene change").

Regarding claim 3, Aotake discloses an information processing apparatus wherein the first recording means uses a file as the recording increment (Col 26, lines 2-7 "a large field required for recording an MPEG system stream...and a large file required for recording information such as indexes...are generated").

Regarding claim 4, Aotake discloses an information processing apparatus wherein the first recording means records the one moving picture to at least one storage

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medium (Col 8, lines 31-33 "a television broadcast program received by the TV tuner 213A can also be recorded with ease").

Regarding claims 9 and 10, Aotake discloses an information managing method and program comprising:

- recording and reproducing firstly a still picture corresponding to a moving picture in at least one recording increment (Col 20, lines 17-20 "When the compression technique selecting circuit 132 is informed of a scene change, the I picture is selected as a picture type of a picture following the scene change"); and
- recording and reproducing secondly information about the still picture being recorded in the first recording step (Col 22, lines 41-44 "the scene change detecting circuit 131 also generates index data to be described later. The index data is supplied to the microprocessor 201 to be stored in a generated index file also to be described later")
- receiving, at a user interface, a user instruction to modify said moving picture recorded in at least one recording increment (Fig. 21 displays an editing screen for the purpose of modifying recorded moving pictures),
- wherein the still pictures are used as icons in a system configured to navigate the moving picture (Fig, 21 displays an Index Screen displaying still pictures as icons to navigate the moving pictures).
- Aotake discloses a first user interface configured to display a quantity of data recorded in at least the first recording means, and an indication of

approximate available recording times (Col 23, lines 63-67 "On a recording time display field 305, time information such as a time lapse since the start of a recording operation, a remaining time to the end of the recording operation or a remaining period of time till the end of a tape to be described later is displayed"), but does not explicitly disclose that the display can show available recording times for each of a plurality of recording modes.

Takahashi teaches an information processing apparatus with a user interface similar to Aotake that displays not only the quantity of data recorded (Col 6, lines 62-64 "the time spent in recording corresponding to the used memory capacity may be displayed"), but also the remainder of the recordable time based on at least three different recording modes (Col 5, lines 50-54 "the display unit 25 is arranged to display the remainder of the recordable time in the following three modes in accordance with display mode select information input by the operator and calculations performed by the system controller" and Col 5 lines 55-56 "Display mode 0: the remainder of the recordable time based on the average encoding bit rate (a first calculation)" and Col 5 lines 57-59 "Display mode 1: the remainder of the recordable time based on the maximum encoding bit rate that the variable-length encoding means can take (a second calculation)" and Col 5 lines 60-62 "Display mode 2: the remainder of the recordable time based on the minimum encoding bit rate that the variable-length encoding means can take (a third calculation)").

As taught by Takahashi, user interfaces with displays that can inform a user of remaining capacity in a plurality of recording modes are well known, allowing the user to determine the most appropriate recording mode for the amount of data requiring storage and the amount of storage available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aotake in order to provide a display showing available recording time based on a plurality of recording methods.

Allowable Subject Matter

5. Claims 16-25 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
2 October 2007



ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER